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ADVANCEMENT OF WOMEN

# Traffic in women and girls

## Report of the Secretary-General

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# I. INTRODUCTION

1. In its resolution 50/167 of 22 December 1995, the General Assembly requested the Secretary-General to submit at its fifty-first session a comprehensive report on the implementation of the resolution, with due regard for possible measures to improve the reporting procedure.

2. The Secretary-General considers that the present report is comprehensive in seeking to deal with all aspects of the issue. In order to prepare it, he has built on his report to the General Assembly at its fiftieth session (A/50/369), which was also made available to the Commission on Human Rights at its 1996 session. In order to assess implementation of resolution 50/167, a note verbale was addressed to all Member States requesting information on implementation. As of 22 August 1996, replies were received from 19 Member States. 1/ The information contained in these replies has been incorporated into the various sections of the present report. Information was also requested from organizations of the United Nations system and that received has also been incorporated into the report. 2/

# II. NATURE OF THE PROBLEM

## A. Beijing Declaration and Platform for Action

3. While the issue of trafficking has been a matter of international concern for many years, concern for it is growing. The Platform for Action adopted by the Fourth World Conference on Women at Beijing on 15 September 1995, 3/ states:

> "The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others [General Assembly resolution 317 (IV), annex], as well as other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organized crime. The Special Rapporteur of the Commission on Human Rights on violence against women, who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls, is invited to address, within her mandate and as a matter of urgency, the issue of international trafficking for the purposes of the sex trade, as well as the issues of forced prostitution, rape, sexual abuse and sex tourism. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS."

In its strategic objective D.3, "Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking", 4/ the Platform calls for the following actions to be taken by Governments of countries of origin, transit and destination, regional and international organizations, as appropriate:

"(a) Consider the ratification and enforcement of international conventions on trafficking in persons and on slavery;

"(b) Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

"(c) Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

"(d) Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care, and take measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

"(e) Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children."

## B. Concept of trafficking

4. What is encompassed within the concept of trafficking and the exploitation of the prostitution of others is set out in articles 1 and 2 of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. 5/ That Convention refers to actions both national and international, indicating that the phenomenon must be seen at both levels. The concern of the United Nations is primarily at the international level, but there are clear links with national action. It should be noted, however, that since 1949 the concept of trafficking has been extended to include trafficking for the purpose of other forms of exploitation of women. Thus, for example, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women states: "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". 6/

5. This wider view of trafficking and exploitation is reflected in the Beijing Declaration and Platform for Action, which also includes forced marriages and forced labour within the concept, and it is the wider view that is used in the present report.

6. As noted in the Platform for Action, concern for the issue of trafficking has been heightened by a number of factors. First, the increasing ease of international travel and the growing phenomenon of temporary migration for

work 7/ have meant that opportunities for traf[illegible]ficking have increased. Second, the increasing gaps between rich and poor both within countries and between regions 8/ have meant that many women have bec[illegible]me more subject to trafficking in view of their economic circumstances and their hopes for increased income for themselves and their families. Third, the gro[illegible]wth of transnational crime involved in a variety of trafficking, includin[illegible]g of drugs, has meant that these networks have also expanded into trafficking f[illegible]or the purpose of prostitution and other forms of exploitation. 9/

## C. Trafficking of children

7. There has also been a rapidly growing int[illegible]ernational concern to deal with the specific problem of trafficking in childre[illegible]n, in part because the problem is clearly a major violation of international hum[illegible]an rights law. Trafficking in children, for any purpose, is explicitly prohi[illegible]bited under articles 34 and 35 of the Convention on the Rights of the Child (Gen[illegible]eral Assembly resolution 44/25, annex) and is universally condemned. The proh[illegible]ibition clearly extends to the girl child. The perceived dimensions of the p[illegible]problem have led Member States to begin work on a draft optional protocol to tha[illegible] Convention to deal explicitly with the sale of children, child prostitution [illegible] and child pornography.

8. The problem of traffic in girls is regula[illegible]rly considered by the Committee on the Rights of the Child in its dialogue with S[illegible] States parties to the Convention on the Rights of the Child, particularly in terms [illegible] of article 34 (protection of the child from all forms of sexual exploitation an[illegible] sexual abuse) and 35 (prevention of the abduction of, the sale of or traffic in [illegible] children). The Committee, when considering reports submitted by States on the [illegible] implementation of the Convention, has on many instances expressed in its conclud[illegible] while appreciating its concern about this problem and made recommendations includin[illegible] legislative measures (such as the reassessment of the effectiveness of prese[illegible] laws and regulations on application of children in child pornography; the encourageme[illegible] to fully implement the Convention (in the Suppression of the Traffic in Persons and [illegible] particular of its implementation of the Prostitution of Others); studies into the root[illegible] causes of sexual abuse); the development of awareness-raising and education[illegible] educational measures to prevent the occurrence of the problem; the training of pro[illegible] professionals involved in the issue, in particular law-enforcement officials and so[illegible] social workers; and the need to accord high priority to the investigation of cases in[illegible] and to provide adequate protection to the development of rehabilitation and reintegr[illegible] child victims, including through the of sexual abuse and exploitation. The importa[illegible] mechanism of international cooperation particularly technical assistance and advice, [illegible] (which has been affected by the Committee in that connection.

9. In addition to its consideration of repor[illegible] by States parties, the Committee on the Rights of the Child has also [illegible] devoted attention to the problem of child trafficking in the framework of its th[illegible] general discussions, in particular those devoted to the economic exploitation of [illegible] the child, the role of the family in the promotion of the rights of the child, a[illegible] the girl child. It has participated in the preparatory work of the Wo[illegible]rld Congress against the Commercial Sexual Exploitation of Children sche[illegible]duled to take place at Stockholm in August 1996. It has also participated in th[illegible] work of the working group of the Commission on Human Rights on the elaborat[illegible]ion of a draft optional protocol

/...

to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and has stressed in this context the need for increasing cooperation between the different United Nations mechanisms competent in the area.

10. In addition, the Secretary-General has submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session a report on children as victims and perpetrators of crime (E/CN.15/1996/10). That report included the views of Member States on the elaboration of an international convention on the illicit traffic in children. In its resolution 1996/26 of 24 July 1996, the Economic and Social Council, inter alia, requested the Secretary-General to continue to gather the opinions of Governments on the elaboration of an international convention or conventions on the illicit traffic in children and to conduct a survey, on the basis of existing international conventions, analysing the extent to which children are protected from becoming victims of illicit international trafficking, for submission to the Commission on Crime Prevention and Criminal Justice at its sixth session.

11. The International Labour Organization (ILO) has undertaken some research into aspects of the problem of trafficking in children. In its reply to the Secretary-General's request for information, it notes that in Asia there have been reports in recent years of children from Bangladesh, China, the Democratic People's Republic of Korea, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand and Viet Nam being trafficked to Malaysia, Singapore and Thailand and also to Europe, Japan and the United States. It indicates that it is not easy to assess the increase in reporting on the problem is a reflection of the fact that the problem is growing or whether it is a result of increased attention to the problem at national, regional and international levels. It goes on to state that there are reasons to believe, however, that Asia's tremendous economic growth in recent years may have contributed to the aggravation of the problem. It further states that its research shows that, in the short term, development is likely to increase migration, both legal and illegal by nature, rather than to reduce it.

12. ILO, under its International Programme on the Elimination of Child Labour, has developed a programme proposal that is expected to begin in a preparatory phase in August 1997, to address the prevention of trafficking in children, in Asian countries. The ILO proposes to develop and implement a comprehensive programme to tackle trafficking in children at the country and subregional level.

13. The comprehensive programme to stop trafficking in children in Asia will include:

(a) Action-oriented research to improve an understanding about the nature and magnitude of the problem, review the existing responses and design strategies to prevent trafficking in children at country and subregional levels;

(b) The investigation of the practices, rescue operations, provision of multidisciplinary rehabilitation programmes (health care, counselling, education and training, social integration);

(c) Conducting awareness campaigns at local, national and regional level;

(d) Setting up common inter-country mechanisms to tackle the trafficking problem in both the sending and receiving countries, including the provision of safe and protective repatriation programmes, and bringing those involved in trafficking to prosecution;

(e) Creating the environment for a social movement at the national, regional and international levels to stop trafficking.

14. The programme has two main objectives:

(a) To prevent trafficking in children by launching a comprehensive programme to stop trafficking in children at country and subregional levels;

(b) To increase the capacity of governmental and non-governmental organizations to stop cross-borders trafficking in children in Asian countries by developing policy to prevent child trafficking and implementing demonstrative projects at local, national and subregional levels.

### A. National legal norms

20. All of the replies received from Governments indicated that steps had been taken to ensure that national laws penalize trafficking. This is consistent also with reports provided by States parties to the Convention on the Elimination of All Forms of Discrimination against Women with regard to article 6 of that Convention, in which all of those reporting indicate that legal measures have been taken.

21. From replies received for the present report, trafficking in women and girls is variously covered by provisions of the national constitution and the penal code in Australia, Bahrain, Belgium, Colombia, Cyprus, Germany, Greece, Iceland, Kuwait, Malta, Mexico, Morocco, the Philippines, Spain, the Syrian Arab Republic, Turkey and the United States of America.

22. Several countries extend the jurisdiction of domestic law to cover actions of their citizens in other countries when those actions would be penalized if undertaken nationally, particularly with regard to engaging in sexual conduct with minors.

### B. International legal norms

23. As noted in the report of the Secretary-General to the General Assembly at its fiftieth session (A/50/369), there are 26 main international conventions that address the issue of trafficking.

24. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others continues to be the main international convention on the subject. Consideration by States to ratify or accede to this Convention has been a feature of many resolutions on trafficking, as well as in recommendations made by the Commission on Human Rights and its subsidiary bodies and by the Fourth World Conference on Women. However, after 47 years, only 71 States have become party to the Convention. Between 1951 and 1960, 27 States became party; between 1961 and 1970, 11 States; between 1971 and 1980, 10; and between 1981 and 1990, 11. Since 1991, 10 more States have become party. Although [illegible] have subscribed to States [illegible] have not yet [illegible] to the Convention, [illegible] the Convention [illegible] to [illegible] Additional Protocol [illegible] Association and Stabilization [illegible] to the Convention.

25. States that are party to the Convention are required to adopt the necessary legislative and other measures to ensure its application.

26. For others, ratification is problematic because of the apparent effect of some provisions of the Convention. For example, in its reply, the Government of Australia notes:

> "On the suppression of the traffic in persons and of the exploitation of the prostitution of others, although this Convention does not require that acts of prostitution be criminalized, several of its provisions have the indirect effect of making the practice of prostitution illegal. Such provisions run counter to the legislation in some States and territories.

> In its views, these provisions also blur the distinction between voluntary and coerced prostitution. To consider voluntary sex work and coercive prostitution as the same issue, and therefore demand the outlaw of prostitution per se, is to view prostitution as a moral issue and to consider sex workers as people unable to make informed decisions on their life. Such a view is paternalistic and raises serious human rights implications. Further, criminalization of the voluntary sex industry fosters conditions of violence against women sex workers. It facilitates the underground sex industry, leaving women with little or no legal redress for abuse experienced during work and militates against such workers seeking police intervention in abusive situations. In terms of industrial matters, criminalization of voluntary prostitution also creates the conditions for women to be exploited in terms of pay and conditions by employers as industrial regulation is prohibited. This is particularly critical in relation to occupational health and safety laws, particularly given the danger of sexually transmitted diseases."

27. The 1949 Convention does not include a regular monitoring system for compliance by States parties. Under its article 21:

> "The Parties to the present Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated, relating to the subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States to which the present Convention is officially communicated ..."

28. In practice, the Working Group on Contemporary Forms of Slavery of the Subcommission on the Prevention of Discrimination against Minorities of the Commission on Human Rights has undertaken to review information received under the 1949 Convention at various points.

29. In addition, the Secretary-General, in the context of the implementation of Economic and Social Council resolution 1983/20 of 26 May 1983 on the suppression of the traffic in persons, has submitted a number of reports on the subject containing information provided by Member States, United Nations organizations and other intergovernmental organizations in 1985, 1990, 1991, 1992, 1993 and 1994. Over 40 Member States provided information of some sort in these reports.

30. As noted previously, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women deals with trafficking. In reviewing reports of the some 153 States parties to that Convention, the Committee on the Elimination of Discrimination against Women has the authority to ask questions regarding State compliance with article 6. During the period 1991-1996, 63 periodic reports were submitted by 58 States. Of the 63 reports, 80 per cent provided information on elements of article 6. However, slightly less than half of the reports mentioned trafficking at all and less than a quarter provided information on measures taken to address trafficking. A larger number of reports mentioned prostitution without reference to trafficking.

31. As an example of the type of analysis of trafficking that can be included in a State party report, the combined first and second periodic report submitted by Belize in 1995 to the Committee on the Elimination of Discrimination against Women (CEDAW/C/BLZ/1-2) noted that there were laws to deal with both prostitution, as a misdemeanour, and in terms of brothel-keeping. The report, however, stated that "there is no direct legislation that specifically prohibits trafficking in prostitution or the exploitation of prostitutes. An exception is the detention of sex workers who are illegal migrants in Belize, and this action is by virtue of their illegal residency and employment, rather than due to the nature of their activity". The report examines some of the economic factors that lead to the existence of prostitution, including tourism and the existence of military bases.

32. In its constructive dialogue, on several periodic reports considered by it at its last session, the Committee mentioned trafficking only briefly as an element of prostitution. It did not pursue the issue of trafficking per se. The Committee, however, adopted general recommendations 12 and 19 on violence against women. While general recommendation 12 does not mention trafficking, in its comments on article 6, general recommendation 19, 11/ notes that:

> "14. Poverty and unemployment increase opportunities for trafficking in women. In addition to established forms of trafficking there are new forms of sexual exploitation such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse.
>
> "15. Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them ...
>
> "16. Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures."

33. In its specific recommendations, 12/ the Committee recommends:

> "...
>
> "(g) Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation;
>
> "(h) States parties in their reports should describe the extent of all these problems and the measure, including penal provisions and preventive and rehabilitation measures, that have been taken to protect women engaged in prostitution or subject to trafficking and other forms of sexual exploitation. The effectiveness of these measures should also be described."

## IV. CURRENT APPROACHES AND MEASURES TO ADDRESS TRAFFICKING

34. Over the past year, a number of United Nations bodies have addressed the issue of trafficking and from this new approaches and measures are emerging. The Commission on the Status of Women, the Commission on Human Rights, the Commission on Crime Prevention and Criminal Justice and ILO have all undertaken various initiatives.

### A. Commission on the Status of Women

35. At its fortieth session, the Commission on the Status of Women adopted resolution 40/4 13/ on traffic in women and girls. In that resolution, the Commission called for the implementation of the Platform for Action of the Fourth World Conference on Women 14/ by Governments of countries of origin, transit and destination and regional and international organizations, and reiterated the actions contained in paragraph 130 of the Platform for Action.

36. In the same resolution, the Commission encouraged Governments, relevant organizations and bodies of the United Nations system, intergovernmental organizations and non-governmental organizations to gather and share information relative to all aspects of trafficking in women and girl children in order to facilitate the development of anti-trafficking measures, and to adopt appropriate measures to create wider public awareness of the problem, and called upon them to take appropriate measures to prevent the misuse and exploitation by traffickers of such economic activities as the development of tourism and the export of labour. It decided to remain seized of the matter and to examine, at its forty-second session, the reports of the Special Rapporteurs and relevant organizations and bodies, with a view to making appropriate recommendations to the General Assembly at its fifty-third session, through the Economic and Social Council.

### B. Commission on Human Rights

37. The Commission on Human Rights, at its fifty-second session, adopted two resolutions that are particularly pertinent to the issue of trafficking in women and girls. In its implementation of, and follow up to General Assembly resolution 50/167 on traffic in women and girls, the Commission had before it the report of the Secretary-General from the fiftieth session of the General Assembly (A/50/369). The Commission welcomed, in its resolution 1996/24, initiatives and action taken by other intergovernmental bodies and events. It concurred with the conclusions on the issue contained in the Platform for Action adopted at the Fourth World Conference on Women, and called upon Governments to implement the actions contained in paragraph 130 (a) to (e) of the Platform. 14/ It also invited relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training, particularly human rights training for personnel who will be directly involved in the implementation of these programmes. The Commission will continue consideration of the issue at its fifty-third session, and requested that the report of the Secretary-General on the implementation of Assembly resolution

50/167, which will be before the Assembly at its fifty-first session, be provided to it.

38. In its resolution 1996/61 entitled "Contemporary forms of slavery", the Commission approved the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others, which had been prepared by the Working Group on Contemporary Forms of Slavery at its twentieth session in 1995 (E/CN.4/Sub.2/1995/28/Add.1). In approving the draft programme, the Commission took note of differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material. The Commission also invited all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve this objective.

39. At its twentieth session, from 19 to 28 April 1995, the Working Group on Contemporary Forms of Slavery had considered the issue of trafficking in women and girls within the context of traffic in persons and the exploitation of the prostitution of others. The members of the Working Group examined views and comments on the problem and discussed the issue based on information received from several organizations including ILO, Anti-Slavery International (ASI), International Fellowship of Reconciliation (IFOR) and Action for Children Campaign (ACC) on the implementation and follow-up to the Convention on the Abolition of Slavery and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The members of the Working Group, pursuant to paragraph 13 of Commission on Human Rights resolution 1995/27, 15/ reviewed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others from many perspectives and expressed the view that traffic in persons and the exploitation of the prostitution of others must arouse the concern of the international community not only because they remained rife in various parts of the world but also because they were acquiring new forms and were being pursued on an industrial scale to a dangerous extent and that it was necessary to develop a political and social will to combat and eliminate the problem.

40. The Programme of Action for the Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1), which was approved by the Commission in its resolution 1996/61, proposed that, in order to prevent the traffic in persons and exploitation of the prostitution of others, international cooperation must be strengthened and concerted measures adopted with respect to information and economic and technical assistance in order to promote the establishment of development and rehabilitation programmes at the national, regional and international levels. Likewise, legislative measures must be adopted and enforcement of existing legislation must be strengthened. In this regard, it recommended that coordination of the programme of action should be carried out by the Centre for Human Rights in cooperation with the other sections of the United Nations Secretariat, and in particular the Division for the Advancement of Women, the Committee on the Elimination of Discrimination against Women and the Division of Crime Prevention and Criminal Justice, and with concerned intergovernmental agencies, particularly the Office

of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), ILO, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO). It also recommended that cooperation should be strengthened with the International Criminal Police Organization (INTERPOL).

41. The Programme suggests measures relating to information and education, legal measures and law enforcement, rehabilitation and reintegration and international coordination.

42. On the question of regulations and international action, the Programme states (E/CN.4/Sub.2/1995/28/Add.1, paras. 39-42):

> "39. The States parties to the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others should take all necessary steps to ensure its implementation. They should be encouraged to transmit regularly reports to the Secretary-General on the implementation of the Convention. States which were not yet party to the Convention should examine the possibility of acceding to it.
>
> "40. All States should take necessary steps to implement the standards and principles that prohibit and punish the traffic in persons and the exploitation of the prostitution of others and report on their national legislation and enforcement in practice of such standards and practices.
>
> "41. All United Nations bodies that consider questions connected with the traffic in persons and the exploitation of the prostitution of others should examine the problems involved in the application of the standards and principles relating to these practices. To that end, a seminar should be organized by the Centre for Human Rights, with the participation of experts from various parts of the world, intergovernmental organizations (WHO, UNESCO, INTERPOL, ILO, UPU and ITU) and non-governmental organizations, as well as United Nations bodies such as UNICEF, the Committee on the Elimination of Discrimination against Women, the Division for the Advancement of Women and the [Division for] Prevention and Criminal Justice ...
>
> "42. The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, as well as other bodies established under human rights treaties, should be invited, when they examine reports submitted by States parties, to pay all due attention to the elimination and suppression of the traffic in persons and the exploitation of the prostitution of others."

### C. Commission on Crime Prevention and Criminal Justice

43. The Secretary-General submitted a report on measures to combat smuggling of illegal migrants (E/CN.15/1996/4 and Add.1) to the Commission on Crime Prevention and Criminal Justice at its fifth session. The report was the third of a series on the matter, the first report of which (A/49/350 and Add.1)

provided a comprehensive overview of the background and scope of the problem of alien smuggling, as well as information on measures and initiatives taken and envisaged to combat the smuggling of aliens; its second report (E/CN.15/1995/3) as well as its third provided additional information on measures, drawing on feedback provided by Governments.

44. During its discussion of the issue, 16/ the Commission reviewed some of the manifestations of and trends in the smuggling of illegal migrants in different parts of the world. The Commission found that an increasing number of States were being used as transit points for such activity; and that the time it took for smuggled migrants to move on from the transit points was becoming longer. In some countries of destination, violence against migrants was reported to be an increasingly serious problem, manifested in racist and xenophobic crimes. There were also increasingly serious problems involved in the trafficking of women, including violence against trafficked women who did not turn to authorities for assistance, for fear of discovery and deportation.

45. A draft resolution on criminal justice action to combat the organized smuggling of illegal migrants across national boundaries was withdrawn by the sponsors, but work on this topic will continue in the next session of the Commission, on the basis of previous mandates.

## D. National measures

46. In paragraphs 2 to 6 of its resolution 50/167, the General Assembly requested Governments to undertake measures to address the issue of trafficking in women and girls. In analysing the responses of the 19 Member States responding to the request for information on the implementation of this resolution, the comments and views of Governments have been considered in terms of prevention, protection and rehabilitation and other actions.

### Prevention

47. In paragraph 2 of resolution 50/167, the General Assembly appealed to Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour. In paragraph 3, the Assembly invited Governments to combat trafficking through nationally and internationally coordinated measures. Most of the countries replying identified the need to take preventive measures against trafficking through legislation. While a few countries indicated that they had initiated studies on the causal factors with the aim of developing appropriate preventive legislation, others referred to the constitution and penal code as providing measures to deter traffickers. However, the replies suggest that these laws focus largely on traffic in and prostitution of minors.

48. Several countries identified what they considered to be the root causes of trafficking in their replies and fewer indicated that they had taken measures targeted at eliminating the root factors. Only a few countries reported setting up both national and transnational preventive measures to deter their citizens from trafficking and other forms of sexual exploitation and commercialization of

women and girls both within and beyond their country. Most of the countries indicated that they had established bilateral, regional or multilateral agreements to address the problem of trafficking or indicated a willingness to support international cooperative and coordinating efforts to address the issue of trafficking.

49. Only two of the countries responding had considered preventive measures that addressed the broad spectrum of activities that constitute trafficking including forced marriages, forced labour, sex trade, sex tourism and other forms of exploitation of women and girls. A few countries indicated that they had strengthened criminal codes to penalize nationals who had engaged in sexual exploitation of minors in other countries.

Protection and rehabilitation

50. Recognizing the need to protect and assist victims of trafficking, the General Assembly, in paragraphs 3 to 5 of resolution 50/167, invited Governments to establish or strengthen institutions for the protection of the victims of trafficking in women and children, and to ensure for victims necessary assistance, including legal support services that were linguistically and culturally accessible for their full protection, treatment and rehabilitation. It further invited Governments to consider the development of standard minimum rules for the humanitarian treatment of trafficked persons, consistent with human rights standards, and to support comprehensive practical approaches by the international community to assist women and children victims of transnational trafficking to return home and be reintegrated into their home societies.

51. While many of the countries replying referred to national laws that protect their citizens from exploitation, only a few indicated that they had taken measures to provide assistance to victims of trafficking by organizing a documentation and weekly inspection programme for aliens, counselling/drop-in centres, safe residence/home or pilot rehabilitation project.

Other actions

52. Many of the countries providing information indicated renewed efforts to strengthen existing national legislation, training of police and other law enforcement agents to identify and respond to the growing problems of international trafficking. While a few countries indicated that they had set up task forces to address the problems of trafficking, many indicated a willingness to support internationally coordinated measures, while a few were studying the problem with a view to developing national measures that would address the issue of trafficking for prostitution.

53. A number of Governments indicated, inter alia, that there was a need to review, enact and enforce laws against trafficking, to institute stiff penalties for trafficking, including asset forfeiture, to share information regarding known and suspected trafficking and to mount public information programmes on the issue in source and destination countries. A few suggested the need for regional cooperative approaches to combat organized large-scale trafficking.

## V. RECOMMENDATIONS ON FURTHER MEASURES FOR REPORTING

54. In its resolution 50/167, the General Assembly requested the Secretary-General to make recommendations on possible measures for improving the reporting procedure. Reporting on the implementation of international instruments is an important means of encouraging and monitoring State compliance with international norms.

55. It can be observed that, in terms of the two main international conventions that address trafficking in women and girls, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Convention on the Elimination of All Forms of Discrimination against Women, the current reporting process does not adequately monitor either the dimensions of the issue or State compliance with international norms.

56. The 1949 Convention lacks a monitoring body to which reports should be sent and, moreover, involves less than half of the States Members of the United Nations as parties. The question might fairly be asked why this Convention is not succeeding in its original purpose. There are clearly elements in the treaty itself that make it difficult for many States to sign, ratify or accede to it. It may be opportune to consider the possibility of revising the treaty with a view to making it more effective in terms of both increasing the numbers of States parties and the creation of a regular reporting and monitoring mechanism.

57. It should be recognized, however, that the revision of such a treaty, as is often the case with international conventions, is a long process since it would imply a degree of renegotiation, the difficulty of which cannot at present be assessed, followed by a process of ratification. As an interim measure, Member States may wish to request the Secretary-General to seek information from States parties to the 1949 Convention, as well as to publicize and analyse the information provided as a means of encouraging further implementation by those States.

58. With regard to the Convention on the Elimination of All Forms of Discrimination against Women, where a regular reporting and monitoring mechanism exists, the issue is to ensure that States parties to that Convention report on measures taken to suppress trafficking. This type of reporting could, as in other areas where the treaty itself is not explicit as to the types of measures that should be taken, be assisted by guidance from the Committee on the Elimination of Discrimination against Women, as the monitoring body.

59. Responsibility within the Secretariat for supporting these two conventions is divided between the Centre for Human Rights for the 1949 Convention and the Division for the Advancement of Women with respect to the Convention on the Elimination of All Forms of Discrimination against Women. A regular exchange of information on reporting by States as part of the annual joint work plan between the two Secretariat units, as called for in Commission on the Status of Women resolution 39/5 and Commission on Human Rights resolution 1996/48 could assist the Centre in its support to the implementation of the Programme of Action for

the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

60. As is the case with traffic in children, which by definition includes the girl child, there is little reliable empirical information available on the extent and location of the problem of trafficking. At the international level, this could be addressed in part by including trafficking as one of the categories for reporting by Member States in the context of crime statistics.

61. Much of the existing information on trafficking has been assembled by concerned non-governmental organizations. Under existing procedures, these organizations should make this information available to the Committee on the Elimination of Discrimination against Women in the context of monitoring reports of States parties to that Convention, as well as to the Commission on Human Rights and its subsidiary bodies, in the context of monitoring the implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and other related conventions.

## Notes

1/ Australia, Argentina, Bahrain, Belgium, Colombia, Cyprus, Greece, Germany, Iceland, Kenya, Kuwait, Malta, Mexico, Philippines, Spain, Syrian Arab Republic, Turkey, Ukraine, United States of America.

2/ Division for Crime Prevention and Criminal Justice, the Centre for Human Rights, the Department for Development Support and Management Services, the Institute for Research and Training for the Advancement of Women, the United Nations Population Fund and the International Labour Organization.

3/ A/CONF.177/20, chap. I, resolution 1, annex II, para. 122.

4/ Ibid., para. 130.

5/ Article 1 states:

> "The Parties to the present Convention agree to punish any person who, to gratify the passions of another:
>
> "1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;
>
> "2. Exploits the prostitution of another person, even with the consent of that person."

Article 2 states:

> "The Parties to the present Convention agree to punish any person who:

"1. Keeps or manages or knowingly finances or takes part in the financing of a brothel;

"2. Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others."

6/ General Assembly resolution 34/180, annex.

7/ Trends in temporary migration were documented by the Secretary-General in his reports on violence against women migrant workers (A/49/354 and A/50/378).

8/ See, for example, the analysis of growing income differentials both within and between States in the 1996 Human Development Report.

9/ See Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex, sect. I.A) approved by the General Assembly in its resolution 49/159, especially the second and third preambular paragraphs, and paragraph 12 of the Declaration and Global Action Plan.

10/ See, for example, Asia Watch and the Women's Rights Project, "A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand", New York, Human Rights Watch, 1991.

11/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I, paras. 13-16.

12/ Ibid., para. 24.

13/ Official Records of the Economic and Social Council, 1996, Supplement No. 6 (E/1996/26), chap. I, sect. C.2.

14/ A/CONF.177/20 and Add.1, chap. I, resolution 1, annex II.

15/ Official Records of the Economic and Social Council, 1995, Supplement No. 3 (E/1995/23 and Corr. 1 and 2).

16/ Ibid., 1996, Supplement No. 10 (E/1996/30), para. 23.

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